

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>OKLAHOMA CORPORATION COMMISSION, LIBERTY GLASS COMPANY, KERR GLASS MFG. CORPORATION, BARTLETT-COLLINS COMPANY, ASG INDUSTRIES, INC., BALL CORPORATION and BROCKWAY GLASS COMPANY, INC.</p> <p>Dolese Bros. Co. Dolese Company</p> <p>v.</p> <p>UNITED STATES OF AMERICA</p> <p>Interstate Commerce Commission (intervening defendant) St. Louis-San Francisco Railway Company The Arkansas Western Railway Company The Atchison, Topeka & Santa Fe Railway Company Beaver, Meade & Englewood Railroad Company Chicago, Rock Island & Pacific Railroad Co. Fort Smith and Van Buren Railway Co. Hollis & Eastern Railroad Co. The Kansas City Southern Railway Company Missouri-Kansas-Texas Railroad Company Missouri Pacific Railroad Company St. Louis San Francisco Railway Company Sand Springs Railway Company Texas, Oklahoma & Eastern Railroad Company The Texas and Pacific Railway Company Tulsa-Sapulpa Union Railway Company (Intervening defs.)</p>	<p>For plaintiff: <i>Steve Collinson</i> Charles O. Ham, Jr., (Okla Corp. Comm) ✓ Interstate Rate Counsel Capitol Office Building Oklahoma City, Okla. & John Robertson ✓ R. L. Davidson, Jr., / (Okla. Glass, (Liberty Glass, Kerr Glass, Bartlett Collins, ASG, Ball and Brockway) 900 Sooner Fedl. Bldg. 1406 4th Natl 404 South Boston <i>Bank Bldg</i> Tulsa, Okla. 74103 (583-2131) Geo. L. Verity (Dolese Bros. Co.) 2220 First Natl. Bldg. Okla City 73102 (CE2-4118) <i>405</i></p> <p>For defendant: <i>202-343-8817 (ICC)</i> Richard H. Streeter Nate Graham 5115 Interstate Commerce Donal Turkal Commission Bldg. B. Kepper Washington, D.C. 906 Olive St. 20423 St. Louis, Mo. 63101 (314-241-7800) Wm. C. Anderson / Dickson M. Saunders 1200 Atlas Life Bldg. <i>Interveners</i> Tulsa, Okla. 585-5541 <i>R.R.</i> Grey W. Satterfield 1717 Fidelity Natl. Bldg. Harvey and Park Ave. Okla. City, 73102 405-235-0478</p> <p><i>See last page</i></p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 6-1-73	Clerk	5/21	R. Davidson	15.00	15.00
J.S. 6 mailed 1-1-75	Marshal	5-24-73	CD 50		
Basis of Action: ICC and State Intrastate laws	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-21-73	Complaint, filed. <i>rm</i>	
5-21-73	Brief in Support of Appl. for Temporary Restraining Order, filed. <i>v</i>	
5-21-73	Temporary Restraining Order, filed. (AEB-J) <i>v</i>	
5-23-73	Return on U.S. Marshals Service, Restraining Order and Summons, filed. Served U.S. Atty. in Tulsa and Atty. Gen. in Wash., D.C., on 5-22-73, with fees of \$6.00. <i>v</i>	
5-30-73	Order, filed, appointing 3-judge court to hear above case, consisting of William J. Holloway, Jr., U.S. Circuit Judge; Honorable Allen E. Barrow, U. S. D. J., Honorable Luther L. Bohanon, USDJ. (David T. Lewis - Chief Judge, USCA, 10th Circuit) <i>rm</i> - copies mailed w/copy of file to each Judge.	
5-30-73	Return of service of complaint and restraining order by pltf., filed. <i>rm</i>	
5-31-73	Case set for hearing on Preliminary Injunction on Wedn.. June 13, 1973 at 11:00 A.M. before Judge AEB.(AEB-J) <i>h</i>	
6-4-73	Motion of St. Louis-San Fran. Railway Co. & other rail carriers for leave to intervene, filed. <i>rm</i> (proposed answer of intervenors attached.)	
6-4-73	Motion of proposed intervenors to vacate TRO, w/brief in support thereof, filed. <i>rm</i>	
6-4-73	Ordered that pltf. is granted 10 days in which to respond to proposed intervenors motion to interven and mo/vacate TRO. (AEB-J) <i>rm</i> - ltr written	
6-5-73	Order granting intervenors leave to intervene as defendants. (AEB-J) <i>rm</i>	
6-5-73	✓ Answer of intervenors, filed <i>rm</i>	
6-6-73	Motion to intervene of Dolese Company and Dolese Bros. Co. as party plaintiff, filed. <i>ds</i>	
6-6-73	Brief in support of motion to intervene, filed. <i>ds</i>	
6-8-73	Order granting Dolese Co. & Dolese Bros. leave to intervene. (AEB-J) <i>rm</i>	<i>copies mtd.</i>
6-8-73	Complaint in Intervention filed by Dolese Co. <i>h</i>	
6-8-73	It is ordered by the court that this case is stricken from docket of 8-13-73, and reset for hearing on Wedn. June 13, 1973 at 10:00 A.M. for hearing on Interlocutory Injunction before Judges Barrow, Holloway and Bohanon. (AEB-J) <i>h</i> - notices mailed.	
6-11-73	Memo. Brief of the ICC in Support of Intervening Deft's (St.Louis-San Francisco RY.etal) Mtn. to Dissolve Temporary Restraining Order, filed. <i>jj</i> - copies mailed -	
6-11-73	Notice of Mtn., Mtn. of the Interstate Commerce Commission for Leave to Intervene as a Deft., w/Joint Answer of the USA and the ICC attached filed. <i>jj</i>	
6-11-73	Order granting ICC leave to intervene, filed. (AEB-J) <i>jj</i> -copies mailed to all counsel of record)	
6-11-73	Jt. Ans. of the USA & the Interstate Commerce Commission, filed. <i>jj</i>	
6-13-73	Suppl brief of railway cos. to vacate tro & brief in opposition to granting of interlocutory injunction, filed. <i>rm</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-13-73	Hearing held on Interlocutory Injunction. Parties present and represented. Arguments made. Decision taken under advisement; order to be prepared by the court.(AEB, WJH, LB-Judges) h	
6-13-73	Minute Order: For the reason that no decision in this case will be rendered this date by the 3-Court consisting of Judges Holloway, Judge Barrow and Judge Bohanon, Judge Holloway and Judge Barrow, in which Judge Bohanon does not join, entered the following minute orders: IT IS ORDERED by the court that the TRO filed 5-21-73 be continued in effect until further order of this court, and FURTHER ORDERED that the plaintiffs be granted 10 days to furnish the transcript of the I.C.C. Hearing.(WJH, AEB-Judges)h -letters to all parties-	
6-18-73	Order that restraining order will be vacated and interlocutory injunction denied provided the intervening railway carriers within 10 days after filing of this order, file their written consent to the refund terms of this order, filed and entered. (WJH, AEB, LB-Judges)g (cpies to Judges and all counsel.)	
6-19-73	Minute Order: It is ordered by the Court that the minute order of 6-13-73 be amended by changing the word 'transcript' to 'record' in the last sentence, making it read: "It is further ordered that the plaintiffs be granted 10 days in which to furnish the record of the I.C.C. hearing." (WJH, AEB, LB-Judges)g (letters to counsel)	
6-22-73	Transcript from ICC hearing, filed. hm	
6-22-73	Affidvait of John E. Robertson with exhibits from ICC hearing, filed.hm	
6-28-73	Undertaking of Fort Smith and Van Buren Railway Company, filed. hm	
6-28-73	Undertaking of The Kansas City Southern Railway Company, filed. hm	
6-28-73	Undertaking of Missouri-Kansas-Texas Railroad Company, filed. hm	
6-28-73	Undertaking of Missouri Pacific Railroad Company, filed. hm	
6-28-73	Undertaking of St. Louis-San Francisco Railway Company, filed. hm	
6-28-73	Undertaking of Sand Springs Railway Company, filed. hm	
6-28-73	Undertaking of Hollis & Eastern Railroad Company, filed. hm	
6-28-73	Undertaking of Beaver, Meade and Englewood Railroad Company, filed. hm	
6-28-73	Undertaking of Tulsa-Sapulpa Union Railway Company, filed. hm	
6-28-73	Undertaking of Atchison, Topeka and Santa Fe Railway Company, filed. hm	
6-28-73	Undertaking of the Texas and Pacific Railway Company, filed. hm	
6-28-73	Undertaking of Texas, Oklahoma & Eastern Railroad Company, filed. hm	
6-28-73	Undertaking of The Arkansas Western Railway Company, filed. hm	
6-28-73	Undertaking of Chicago, Rock Island and Pacific Railroad Company, filed.hm	
7-9-73	Motion for leave to amend complaint filed by plaintiffs. (Copy of proposed amended complaint and motion for temporary restraining order attached.) & entered <i>letters & copies to judges</i>	
7-10-73	Oder filed that the application for an interlocutory injunction in this cause is denied and the temporary restraining order entered on May 21, 1973 is vacated. (Judges Holloway, Barrow and Bohanon,)h <i>copies</i>	
7-11-73	Minute Order: It is ordered by the court that parties are granted 15 days from this date in which to submit briefs; and 5 days in which to respond. (AEB-WJH-LB, Judges)h <i>letters to all parties</i>	
7-12-73	Order, filed, granting Pltf.s' 5 days from this date to file amended complaint. (AEB-J)v -copies mailed.	
7-12-73	Amended complaint, filed. hm	
7-17-73	Pltf. notice of filing of amended complaint, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-18-73	Motion of intervening defendants, RR, for extension of time to respond to plaintiffs' amended complaint and motion for modification of briefing schedule, filed. Brief attached. ds	
7-20-73	Order, filed, granting intervening defs. mo/ext. of time to respond to pl'tfs. amended complaint to 8/12/73. (AEB-J)rm - copies to counsel & Judges	
7-20-73	Order, filed, sustaining intervening defs. mo/mod. of briefing schedule, as follows: that minute order of 7/11/72 is modified & parties directed to submit simultaneous briefs within 15 days after answers of all defs. are due, w/responses to said briefs to be filed 5 days thereafter. (AEB-J)rm copies to counsel & Judges	
7-23-73	Pl'tfs' Mtn. to Dismiss Without Prejudice their Amended Complaint, filed. jj	
7-24-73	<i>as mailed to judges - Clerk, Barrow</i> Joint answer of USA and the Interstate Commerce Commission to the amended complaint, filed. ds	
7-24-73	Joint brief of USA and the Interstate Commerce Commission, filed. ds	
7-26-73	It is ordered that plaintiffs are granted 5 days from this date to file a brief in support of their Motion to Dismiss. It is further ordered that defendants and intervenors are granted five days thereafter to respond. (AEB-J)jj	
7-31-73	Pl'tfs' Brief in support of Pl'tfs' Motion to Dismiss w/o Prejudice, filed. r (Copies mailed to judges)	
8-3-73	Intervenor, The Dolese Co. and Dolese Bros. Co., motion to dismiss, filed. Intervenor's adopt brief of plaintiffs supporting motion to dismiss their complaint, ds.	
8-6-73	Brief of intervening defendants, The Okla RRs in response to plaintiffs' motion to dismiss, filed. ds <i>copies mailed</i>	
8-9-73	Joint response of USA and Interstate Commerce Commission to motions to dismiss, filed. ds	
8-24-73	Plaintiffs' notice of motion, filed. ds	
8-24-73	Application for leave to withdraw "Motion to dismiss without prejudice" and Motion for leave to file supplemental pleading under Rule 15(d), filed. ds	
8-24-73	Brief and suggestions in support of motion; filed. ds	
8-24-73	Parties directed to file resp. brief to above appl. within 10 days (AEB)ds	
9-4-73	Minute order: Ordered that defs. are granted 10 days from this date in which to file briefs in response to pl'tfs. motion to withdraw dismissal. (AEB-J)rm ltr written	
9-4-73	Govt's Application for Extension of Time to respond to Pl'tf's Mtn. to file supplemental pleading in nature of amend. to 1st amended complaint, filed. jj copy to judges	
9-4-73	Response of def. railroads to pl'tfs' appl. to withdraw "Mo./dismiss wo/prej." & response to mo/leave file supp. pleading, filed. rm - to judges	
9-5-73	Ordered that govt. defs. are granted add. 10 days from 9/4/73 to respond to pl'tfs. motion to file supp. pleading in nature of amend. to first amended complaint. (AEB-J)rm - ltr written all counsel & judges	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-14-73	Joint response of defendant, USA and intervening defendant, ICC, to plaintiffs' application to withdraw motion to dismiss without prejudice and to plaintiffs' motion for leave to file supplemental pleading under Rule 15(d), filed. ds	
10-31-73	Order filed that appl. for leave to withdraw motion to dismiss without prejudice is granted; further that motion for leave to file supplemental pleading under Rule 15(d) is sustained, and said plainfil are granted 5 days to file supplemental pleading; further that all defendants file their response to said supplemental pleading within 15 days of this date. (AEB-J)h <i>copies mailed to attys & judges</i>	
10-31-73	Supplemental Pleading of Okla. Corp. Comm and Okla. Glass Ind. as Amendment to First Amended Complaint, filed. jj <i>copies to judges</i>	
11-9-73	Motion and order filed to withdraw parties. It is ordered that Intervenor The Dolese Co. and Dolese Bros Co. granted leave to withdraw as parties in this cause. (AEB-J)h <i>copies mailed to attys and judges.h</i>	
11-14-73	<u>Ans.</u> of intervenors railroads to pltf's amend. compl. and supplemental plead. to first amended compl., filed. a	
11-19-73	Joint Ans. of the U.S.A. and the I.C.C. to the Supp. Pleading as Amendment to 1st Amended Complaint, filed. jj <i>copies mailed</i>	
11-29-73	Brief on the merits of intervening defendants, the Oklahoma railroads, filed. ds <i>Copies mailed</i>	
12-3-73	Plaintiff's brief, filed. ds <i>copies mailed</i>	
12-10-73 <i>judges to set for argument</i>	Brief in Resp, to Brief of Intervening Defendants, filed. a <i>copies to judges</i>	
12-12-73	Reply Brief of Intervening Defts., the Okla. Railroads, filed. jj <i>copies mailed</i>	
12-20-73	Response of Defts Okla. Rail Carriers to response brief of Pltfs, filed. v -copy to Judges.	
12-20-73	It is ordered that this case is set for hearing on merits on Fri. Jan. 25, 1974 at 10:00 A.M.(AEB-J)h -copies to attys and Judges-	
1-23-74	Ordered that case is stricken from docket on Jan. 25, 1974, to be reset at a later date. All parties notified by telephone.(AEB-J)jj	
1-28-74	MO: It is ordered that this case is set for hearing on its merits on Friday, Feb. 8, 1974 at 9:00 a.m. (AEB-J)e <i>Then met.</i>	
2-8-74	Hearing on Merits held. Parties represented. Parties announce ready. Plaintiff's exhibits 1,2,3,4 & 5 offered and admitted into evidence. Arguments made. Case submitted to Panel for decision at 10:35 a.m. (AEB-WH-EB-J's) e	
2-20-74	Post-Oral Argument Supplemental Brief, filed, of pltf's Okla. Glass Industry and the Okla. Corp. Comm., filed. e <i>Copy to Marilyn</i>	
12-20-74	Memorandum opinion, filed and entered. (WJH, AEB AND LB-Judges)rm	
12-20-74	Judgment, filed and entered, that all relief sought herein is denied and that this action is dismissed without prejudice; further if timely proceedings are not commenced for appeal to Supreme Ct. of U.S., then provisions of this order requiring undertakings for refund, and	(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-20-74	<p>(contd.) duties of said order and undertakings, shall be of no further force or effect; otherwise, if timely appeal are commenced, then the provisions of said order and undertakings shall remain in full force and effect, subject to decrees and orders of Sup. Ct. and final disposition of the cause. (WJH,Jr., AEB, LLB - Judges) rm - copies to Judges and counsel</p> <p><i>Defendants' atty continued from pg 1</i></p> <p>✓ United States Attorney General Justice Department Washington, D. C. 20530</p> <p>✓ John H. d. Wiger, Attorney Justice Department Washington, D. C. 20530</p> <p>✓ Nathan Graham United States District Attorney Federal Building, Tulsa, Oklahoma 74103</p> <p>✓ Donal L. Turkal 906 Olive Street St. Louis, Missouri 63101</p> <p>✓ Dickson Saunders and Wm. C. Anderson Doerner Stuart Saunders Daniel & Langenkamp 1200 Atlas Life Building Tulsa, Oklahoma 74103</p> <p>✓ Grey W. Satterfield Franklin Harmon & Satterfield, Inc. 1717 Fidelity National Building Oklahoma City, Oklahoma 73102</p> <p>→ Richard H. Streeter I.C.C. Building, Room 5115 Washington, D. C. 20423</p> <p><i>noted att. 12/20/74</i></p> <p><i>dict dict 202 343 8817</i></p> <p><i>202 343 1100</i></p>	

Defendants' attorneys